



**FILED**

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Mobilitie Management, LLC  
for Authorization to Obtain a Certificate of  
Public Convenience and Necessity as a  
Telephone Corporation to Operate as a  
Provider of Limited Facilities-Based and  
Resold Local Exchange Service Throughout  
the State of California Pursuant to the  
Provisions of Public Utilities Code  
Section 1001.

Application 16-04-025  
(Filed April 29, 2016)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING APPLICANT  
SUPPLEMENT ITS APPLICATION**

On April 29, 2016, Mobilitie Management, LLC filed its application for a Certificate of Public Convenience and Necessity (CPCN) to provide limited facilities-based and resold local exchange service throughout the State of California.

Following review of the submitted materials, the Commission finds the application and the affidavit submitted in support of the application to be insufficient to merit approval of the application. Therefore, the Commission requires additional information in order to consider this application.

Mobilitie Management, LLC must confirm it is a common carrier as defined in Section 153 of the Federal Telecommunications Act of 1996 and is eligible to interconnect with the public switched telephone network pursuant to Sections 251 and 252 of that Act; and if granted a CPCN, Mobilitie Management, LLC will operate as a telephone corporation, as defined in Section 234(a) of the California Public Utilities Code, subject to the jurisdiction

of the Commission and obey the California Public Utilities Code and all of the Commission's rules, decisions and orders applicable to telephone corporations.

Section 7 of the application states: "Applicant intends to provide competitive local exchange services in all counties through the state of California." Competitive local exchange services may be provided only in the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Frontier California Inc. (Frontier California), Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier Communications), and Consolidated Communications of California Company (Consolidated, formerly SureWest Telephone). Mobilitie Management, LLC must identify the permissible territories in which it intends to provide services and consistent with the Commission's Rules of Practice and Procedure, Rule 3.1(c), it must provide a map of the proposed service territory.

Mobilitie Management, LLC is further directed to confirm Mobilitie Management, LLC has \$100,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's expenses and that these financial resources are unencumbered and will remain available to fund Applicant's working capital requirements while the application is pending and for the first full year following grant of the requested operating authority. The application states Exhibit 4 to the application includes bank statements; however, bank statements were not included. Mobilitie Management, LLC is directed to provide: audited financial statements or explain the unavailability of audited statements and to provide bank statements for the 12 months preceding the date of its response to this ruling or other financial information consistent with the requirements of Decision (D.) 95-12-056, Appendix C.

Section 16 of the application states attached as Exhibit 5 are: “resumes and biographies for Applicant’s key management and technical personnel, reflecting that Applicant possesses significant technical and managerial expertise for operating a telecommunications company.” Exhibit 5 consists of a resume for a one person. Mobilitie Management, LLC is directed to comply with D.95-12-056 and provide additional resumes and biographies for its key management and technical personnel reflecting that Mobilitie Management, LLC possesses significant technical and managerial expertise for operating a telecommunications company.

Additionally, Commission decisions and regulations require the following sworn affidavit be provided in order to consider this Application (the affidavit need not be notarized but must be attested to under penalty of perjury under the laws of the State of California):

Neither applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of applicant, or anyone acting in a management capacity for applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been

found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

To the best of applicant's knowledge, neither applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

The application at Exhibit 6 states Mobilitie Management, LLC cannot affirm as to subsections (a) through (h) of the required affidavit and refers to Exhibit 7; however, Exhibit 7 indicates only that Mobilitie Management, LLC cannot affirm as to subsections (e) and (g) without any explanation as to subsections (a) through (d), (f), and (h). Further attestation affirming subsections (a) through (d), (f), and (h) is required.

Therefore, **IT IS RULED** that Mobilitie Management, LLC must supplement its application in response to this ruling within 15 days.

Dated June 1, 2016, at San Francisco, California.

/s/ ERIC WILDGRUBE  
Eric Wildgrube  
Administrative Law Judge